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Attorneys for Defendant Auto-Owners Insurance

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

LIASIA TE POMEE, Plaintiff, vs. OWNERS INSURANCE COMPANY, Defendant.	DEFENDANT OWNERS INSURANCE COMPANY’S PETITION FOR REMOVAL Case No. 2:21-cv-00603-JCB Judge: Jared C. Bennett
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Defendant Owners Insurance Company (“Owners” or “Defendant”) hereby petitions for removal of the above-captioned action from the Fourth Judicial District Court in and for Utah County, State of Utah to the United States District Court, for the District of Utah, Central Division. By this Petition, Defendant gives notice of the removal of this action. This removal is made pursuant to 28 U.S.C. §§1441 and 1446 and is proper and appropriate based upon the following:

1. On or about October 1, 2021, Defendant accepted service of an Amended Summons and First Amended Complaint in an action entitled Liasiate Pomee, Plaintiff, vs. Owners Insurance

Company, Defendant, Civil No. 210401290 in the Fourth Judicial District Court of Utah County, State of Utah. A copy of the Amended Summons and First Amended Complaint are attached to this Petition as Exhibit “1”.

2. Plaintiff affirmatively alleged that Plaintiff Liasiate Pomee is a resident of the State of Utah. The place where a person lives is prima facie evidence of domicile and citizenship unless evidence is established to the contrary. (See Exhibit 1.)

3. Defendant Owners is a foreign corporation, authorized to conduct business in the State of Utah. It is a Michigan corporation with its principal place of business in Lansing, Michigan, and a citizen of Michigan.

4. Removal of this action is proper under 28 U.S.C. §1441(b) because this Court has diversity jurisdiction when the Defendant is a foreign corporation based in Michigan and Plaintiff is a Utah resident. Furthermore, in Plaintiff’s Complaint, they allege this is a “Tier III” damage case in which they will seek in excess of \$300,000 at trial plus interest. (Ex. 1, ¶¶ 1, “Prayer for Relief”.)

5. Thus, based on Plaintiff’s Complaint, Plaintiff’s alleged damages and the amount of the insurance policy at issue, an amount in controversy exceeds the jurisdictional requirement of \$75,000.

6. The Notice of Removal and Petition for Removal are filed within thirty (30) days after the receipt of the Amended Summons and First Amended Complaint as required by 28 U.S.C. §1446(b) and removal is proper based on diversity of citizenship of the parties and therefore the requirements of 28 U.S.C. §1441(a) are met.

DATED this 13th day of October, 2021.

STRONG & HANNI

/s/ Matthew A. Jones

Peter H. Barlow

Matthew A. Jones

*Attorneys for Defendant Owners Insurance
Company*

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October 2021, a true and correct copy of the foregoing document was filed with the Court via CM/ECF Filing and served by the method indicated below, to the following:

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☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☒ Email
☐ Overnight Mail
☐ Facsimile
☒ EC/ECF Filing

/s/ Mary J. Minter